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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,365	02/06/2004	Yuh-Shyong Yang	MR1035-1384	5042
4586 7590 10/02/2007 ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER RAMILLANO, LORE JANET	
			ART UNIT 1743	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/772,365

Applicant(s)

YANG ET AL.

Examiner

Lore Ramillano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. With regard to the claims filed on 2/6/04, claims 1-15 are pending and under examination.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy (Taiwan 92131195) with a filing date of 11/7/03 is acknowledged.

### ***Claim Objections***

3. Claims 2-3 and 15 are objected to because of the following informalities: applicant should amend claims 2-3 to properly recite a Markush group. For claim 2, for example, applicant should amend the claim language to: "wherein the specific compound is selected from the group consisting of glucose, cholesterol, uric acid, lactate, phospholipids, and triglycerides". Appropriate corrections are required.

Claim 15 is objected to because the claim recites a process limitation in an apparatus claim. The claim will thus be interpreted as an apparatus claim with functional limitations.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Both claims contain trademarks, "AMPPD," "CDP-Star, and "CSPD," which are not permitted in the claims because the metes and bounds are not constrained. Applicant must replace the terms with generic terminology.

*Specification*

6. The disclosure is objected to because of the following informalities: p. 7, line 6 of the specification contains un-translated language; and p. 8, line 16 misspelled the word, "chmical." Appropriate corrections are required.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-15** are rejected under 35 U.S.C. 102(e) as being Allen et al. ("Allen") by (US Pub. No. 20040236244).

Allen discloses a biochemical sensing device, including: a bearing body, which bears a reagent thereon, and the reagent contains a specific compound, a first enzyme, a second enzyme, and a luminol, in which the specific compound and the first enzyme will produce a reaction and then generate H<sub>2</sub>O<sub>2</sub>, whereas the H<sub>2</sub>O<sub>2</sub>, the second enzyme, and the luminol will produce a chemiluminescent reaction; a sensing element, fabricated by a semiconductor process for sensing

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the light generated by the chemiluminescent reaction as well as for converting the sensed optical signal into a current signal; a current/voltage converting circuit, capable of converting the current signal into a voltage signal, and an electronic device, which can receive and process the voltage signal so as

to perform a quantitative analysis on the specific compound (i.e. [0014]-[0021]; [0039]; [0054]-[0055]).

Allen further discloses the following: the specific compound is selected from the following human body compound: glucose, cholesterol, uric acid, lactate, phospholipids, and triglycerides; the luminal reagent can be selected from the following chemiluminescent reagent: luminol, 2-methyl indole, isoluminol, dioxetane, acridinium ester, lucigenin, AMPPD, CDP-Star, and CSPD; the first enzyme is selected appropriately according to the type of specific compound that exists; the second enzyme is peroxidase; the sensing element can be a photodiode; the sensing element is designed for sensing the luminescence light, fluorescence light, and ultraviolet light, or any combination of the three; the current/voltage converting circuit can include at least one current mirror so as to amplify the current signal; the current/voltage converting circuit can include at least one resistor so as to convert the current signal into an analog voltage signal; the current/voltage converting circuit can include at least one capacitor so as to convert the current signal into an analog voltage signal; the current/voltage converting circuit can include an analog/digital converter so as to convert the analog voltage signal into the digital voltage signal; the electronic device can include an analog/digital converter so as to convert the analog voltage signal into the digital voltage signal; and the processing method used by the electronic device to

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process the voltage signal is selected from transmission, storage, and analysis or any combination of the three (i.e. [0014]-[0021]; [0039]; [0054]-[0055]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lore Ramillano whose telephone number is (571) 272-7420. The examiner can normally be reached on Mon. to Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lore Ramillano  
Examiner  
Art Unit 1743

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700